IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

RPFC.No. 111 of 2004(A)

MC.359/2002 OF THE FAMILY COURT, KOZHIKODE.
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REVISION PETITIONER/ RESPONDENT:

PUTHALATH SIDIQUE, S/O.KOYAKUTTY,
KODAKKAL PARAMBU P.O.,
FEROKE COLLEGE, KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN.

RESPONDENT/ PETITIONER:

MUHAMMED JASIR, MINOR, S/O.
PUTHALATH SIDDIQUE, REPRESENTED BY
GUARDIAN/MOTHER K.T.JUMAILATH,
ESNA MANZIL, VELIPRAM AMSOM DESOM,
RAMANATTUKARA P.O., KOZHIKODE TALUK,
FEROKE PSI.

BY ADV. SRI.R.SUDHISH,
SMT.MANJU SUDHISH.

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 12/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

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R.P.(FC).NO. 111 OF 2004

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DATED THIS THE 12th November 2007

ORDER

The revision petitioner is the respondent in M.C.NO.359/2002, the proceedings initiated by the first petitioner /divorced wife for the maintenance of the minor child and he is under orders to pay maintenance at the rate of Rs.1800/- per mensum from the date of the order, i.e.20-4-2004.

2. It is contended by counsel for the revision petitioner that the alleged monthly income of the petitioner is only Rs.5000/- and hence the amount ordered to be paid as maintenance is excessive.

3. PW1, the petitioner has testified that the revision petitioner is having an income of Rs.50,000/- per month and that he is running a business concern etc. But the same is disputed by the revision petitioner. He has sought for an opportunity to produce the relevant records in the matter which would show his exact income. On the other hand, counsel for the respondent herein stated that the revision petitioner has purchased the properties subsequently and that she has got records of the same. In the circumstances, I find that it would be

appropriate to remit the matter back to the court below for further evidence and fresh disposal on merits and I do so. It is submitted that a petition for enhancement has been filed under Section 127 Cr.P.C. If so, the same also can be disposed of along with M.C. All the same, it is made clear that the petitioner in the M.C. would be entitled to get the maintenance for the child at the rate of Rs.1800/- per mensum till the matter is decided by the court below. The revision petitioner is directed to remit the arrears of maintenance before the court below at the earliest, at any rate within two months from the date of this order. The matter would stand posted before the court below on 12-12-2007.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

R.P.(FC)NO.111 OF 2004
ORDER

12-11-2007